

my



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/711,338 | 09/12/2004 | Hideaki Saito | SIMTEK6975 | 5337 |

25776 7590 02/28/2006

ERNEST A. BEUTLER, ATTORNEY AT LAW
 10 RUE MARSEILLE
 NEWPORT BEACH, CA 92660

EXAMINER

OLSON, LARS A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3617

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/711,338 | Applicant(s) SAITO, HIDEAKI | |
| | Examiner Lars A. Olson | Art Unit 3617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12102004</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: ____.</p> |
|--|---|

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 6,165,032) in view of Pichl (US 4,119,054).

Nakamura discloses a tilt cylinder device for an outboard motor, as shown in Figures 1-8B, that is comprised of a cylinder assembly, defined as Part #20, that defines a cylinder bore and is adapted to be pivotally connected to a watercraft, as shown in Figure 1, a piston, defined as Part #23, that is supported for reciprocation within said cylinder bore, and a piston rod, defined as Part #25, that is affixed to said piston, extends externally of said cylinder assembly, and is adapted to be pivotally connected to an outboard motor, as shown in Figure 2, where one of said pivotal connections is formed by a cylindrical portion, defined as Part #42, of said piston rod.

Nakamura, as set forth above, discloses all of the features claimed except for the use of a cylindrical portion that is integrally formed on a piston rod for pivotal connection to an outboard motor.

Pichl discloses a trimmable and tiltable outboard motor mount, as shown in Figures 1-7, that includes a cylinder, defined as Part #25, with a cylindrical portion,

Art Unit: 3617

defined as Part #25a, that is integrally formed at one end of said cylinder as a transverse beam.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a cylinder with an integrally formed transverse cylindrical portion, as taught by Pichl, in place of the cylindrical portion of the piston rod of the tilt cylinder device as disclosed by Nakamura for the purpose of providing a fixed member on a piston rod of a tilt cylinder for pivotal connection with an outboard motor in order to reduce the number of parts required for said connection.

3. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Pichl, and further in view of Blanchard (US 4,406,634).

Nakamura in combination with the teachings of Pichl shows all of the features claimed except for the use of a pair of integral projections that extend transversely from a cylinder body.

Blanchard discloses a trim cylinder for an outboard motor, as shown in Figures 1-3, said trim cylinder, defined as Part #89, having a pair of integral projections, defined as Part #91, that extend transversely from said cylinder, where said projections are received in bearing openings formed in side plates, defined as Part #43, of a clamping bracket, defined as Part #41, as described in lines 16-37 of column 4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a cylinder body with a pair of integral projections, as taught by Blanchard, in combination with the tilt cylinder device as disclosed by Nakamura and the teachings of Pichl for the purpose of providing a pivotal connection

Art Unit: 3617

means for a cylinder body to an outboard motor mounting bracket without the use of a pivot pin.

Allowable Subject Matter

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakamura (US 6,039,617) discloses a tilt cylinder device for an outboard motor.

6. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

February 6, 2006

LARS A. OLSON
PRIMARY EXAMINER

Lars Olson
2 / 6 / 06